

# Wetlands Bureau Decision Report

Decisions Taken  
05/10/2004 to 05/14/2004

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

\*\*\*\*\*

**2003-00463                      18 MILE POINT DR REALTY TRUST, C/O WALKER HARMON**  
**MEREDITH   Lake Winnepesaukee**

### Requested Action:

Construct a 10 slip major docking facility consisting of a 6 ft by 120 ft permanent wharf over the bank with five 4 ft by 30 ft permanent piling supported docks with 8 tie off pilings between the slips and one tie off piling in the northern slip and one tie off piling in the southern slip, and three, 3 piling ice clusters, accessed by a 6 ft wide stairway constructed over the bank on 700 ft of leased frontage on Lake Winnepesaukee, Meredith.

\*\*\*\*\*

### Conservation Commission/Staff Comments:

Con Com recommends cross section of walkway and steps.

Inspection Date: 05/28/2003 by Dale R Keirstead

### APPROVE PERMIT:

Construct a 10 slip major docking facility consisting of a 6 ft by 120 ft permanent wharf over the bank with five 4 ft by 30 ft permanent piling supported docks with 8 tie off pilings between the slips and one tie off piling in the northern slip and one tie off piling in the southern slip, and three, 3 piling ice clusters, accessed by a 6 ft wide stairway constructed over the bank on 700 ft of leased frontage on Lake Winnepesaukee, Meredith.

### With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated February 27, 2003, revision date April 30, 2004, as received by the Department on May 6, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Applicant for a shoreline structures defined as a major project shall file a restrictive covenant in the appropriate registry of deeds dedicating the shoreline frontage to those structures.
4. This permit shall not be effective until the applicant has submitted an amendment to the lease or a letter from the New Hampshire Department of Transportation allowing the construction of a major docking facility on the frontage to the file pursuant to Wt 402.19.
5. The applicant shall file a completed Certificate of Completion pursuant to Wt 502.04.
6. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these structures were not constructed in accordance with plans or lease stipulations.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
9. This permit does not allow for maintenance dredging.
10. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
11. No portion of the docking structure shall extend more than 30 ft lakeward at full lake elevation of 504.32 ft.
12. There shall be no alterations of the shoreline or bank for the construction of the major docking facility or access stairway.
13. The applicant shall submit a stamped surveyed plan of the completed project with the location of the docking structure, distance from full lake elevation, location of support piles, tie off piles, ice clusters, stairway with cross sections, and distance to property lines to the file at the completion of construction. The submitted information shall include photos of the completed docking structure, stairway and frontage.
14. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by

the permittee, his/her agent(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.

15. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(d), construction of a major docking facility.
2. The applicant has an average of 700 feet of frontage along Lake Winnepesaukee.
4. A maximum of 10 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
5. The proposed docking facility will provide 10 slips as defined per RSA 482-A:2, Boatslip, and therefore meets Rule Wt 402.14.
6. Public hearing is waived based on field inspection, by NH DES staff, on May 28, 2003, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
7. Field inspection confirmed the need for permanent docks in this location for this major docking facility.
8. The property is leased from the State of New Hampshire Department of Transportation, Bureau of Rails.

-Send to Governor and Executive Council-

**2003-02251                      GALLAGHER, JANE**  
**HAMPTON   Hampton Harbor**

Requested Action:

Construct a 6 ft x 135 ft pier leading to a 3 ft x 40 ft ramp and a 10 ft x 24 ft float, on approximately 50 feet of frontage along the Hampton Harbor.

\*\*\*\*\*

Inspection Date: 05/12/2004 by Christina Altimari

APPROVE PERMIT:

Construct a 6 ft x 135 ft pier leading to a 3 ft x 40 ft ramp and a 10 ft x 24 ft float, on approximately 50 feet of frontage along the Hampton Harbor.

With Conditions:

1. All work shall be in accordance with plans by Pickering Marine Corporation dated September 7, 2003, as received by the Department on April 24, 2004.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon completion.
4. This permit shall not be effective until recorded at the Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
6. The decking of the dock shall have a minimum of 6 ft. clearance from the surface of the mud flat and shall have 3/4-inch spacing between the decking planks and the ramp shall have a minimum of 3 ft. clearance from the surface of the mud flat.
7. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
8. Work shall be done during low tide.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in tidal waters.
2. Public hearing is waived based on DES staff field inspection on May 12, 2004 with the finding that the project impacts will not significantly impair the resources of this tidal river.
3. The Pease Development Authority - Division of Ports and Harbors has reviewed the plans and determined that the proposed dock

does not impede navigation.

4. The NH Division of Historical Resources has been notified of the proposed project plans and has no record of any known properties of architectural, historical, archaeological, engineering, or cultural significance within the vicinity of the proposed project.

5. NH Natural Heritage Inventory (NHNHI) has two records of a natural communities of special concern within the project limits, Gulf of Maine Saltmarsh and SNE Coastal Dune Community; two state endangered plant species, Gray's Umbrella-Sedge (*Cyperus grayi*), and Sea-Beach Needlegrass (*Aristida tuberculosa*); and three state threatened plant species, Hairy Hudsonia (*Hudsonia tomentosa*), Sand Drop-Seed (*Sporobolus cryptandrus*), and Tall Wormwood (*Artemisia campestris*).

6. DES finds that none of the NHNHI identified communities or plant species will be impacted as a result of the proposed dock, as it will be constructed at the required height above existing vegetation in the intertidal zone.

7. The applicant has obtained written approval from the abutter whose property line extension over the water is 20 feet from the proposed dock.

8. The proposed dock represents a structure that is approximately the same length, or shorter than docks on abutting properties. Proposed dock as shown on the plan extends only as far as needed to accommodate access to the navigable channel, and is in the least impacting location, therefore representing minimal impact to the estuarine wetland ecosystem.

9. This dock is consistent with other tidal dock approvals in the seacoast region.

-Send to Governor and Executive Council-

**2003-02569                      DIBURRO REALTY TRUST, E J DIBURRO TTEE**  
**SEABROOK   Atlantic Ocean**

Requested Action:

Impact 1,950 square feet within a sand dune jurisdiction area for the construction of a single-family residence on a fully developed lot along Seabrook Beach.

\*\*\*\*\*

Inspection Date: 12/17/2003 by Christina Altimari

APPROVE AMENDMENT:

Impact 1,950 square feet within a sand dune jurisdiction area for the construction of a single-family residence on a fully developed lot along Seabrook Beach.

With Conditions:

1. AMENDED CONDITION: All work shall be in accordance with plans submitted by the applicants, Judy Vitale and Ernie DiBurro, as received by the Department on May 6, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.

With Findings:

1. This property is a developed lot along Seabrook Beach with little or no remaining dune function other than its position in the landscape.
2. This approval is consistent with other approvals in developed sand dune areas.
3. Based on findings #1 and #2, this project is deemed minimum impact per Wt. 303.04(o).
4. The NH Natural Heritage Inventory (NHNHI) has record of two state threatened plant species within the project vicinity, Hairy Hudsonia (*Hudsonia tomentosa*) and Tall Wormwood (*Artemisia campestris*), and one state endangered plant species within the project vicinity, Sea-Beach Needlegrass (*Aristida tuberculosa*). Also, NHNHI has record of one plant species of special concern within the project vicinity, Beach Grass (*Ammophila breviligulata*).

5. The NH Fish and Game Department (NHF&G) has record of one vertebrate species of special concern within the project vicinity, the Piping Plover (*Charadrius melodus*).
6. DES field inspection of the property on December 17, 2003 finds that none of the NHHI or NHF&G identified species will be impacted as a result of this project seeing as the proposed work will not have any direct impacts on any sand dunes, but within a fully landscaped area.
7. The abutter whose property line exists within 20 feet of the proposed impacts have provided their written approval.

**2004-00075                      THE HOME DEPOT  
LITTLETON   Unnamed Wetland**

Requested Action:

Dredge and fill 65,900 square feet of palustrine scrub-shrub/emergent wetlands and impact 40 linear feet of an intermittent stream channel, all within the 100-year floodplain of the Ammonoosuc River to construct a commercial retail facility. Impacts include 850 linear feet within the banks of Dell's Brook and 110 linear feet within the bank of the Ammonoosuc River to complete mitigation activities, and 270 square feet of temporary impact within the bed and banks of Dell's Brook to allow equipment access. Provide compensatory mitigation for wetland and floodplain impacts by creating 5.03 acres (219,000 square feet) of palustrine forested/scrub-shrub/emergent wetlands, enhancing .26 acres (11,200 square feet) of palustrine scrub-shrub/emergent wetlands, and by preserving the entire mitigation parcel of 16.31 acres (all within the 100-year floodplain) through the execution of a conservation easement. In addition, the wetland creation areas will provide on-site compensatory flood storage and active floodwater conveyance so that no significant increase in flood elevations will occur within the 100-year floodplain.

\*\*\*\*\*

Conservation Commission/Staff Comments:

In a letter dated January 22, 2004, the Littleton Conservation Commission stated that they understand the details of the proposed project and accept as is.

Inspection Date: 08/18/2003 by Craig D Rennie

APPROVE PERMIT:

Dredge and fill 65,900 square feet of palustrine scrub-shrub/emergent wetlands and impact 40 linear feet of an intermittent stream channel, all within the 100-year floodplain of the Ammonoosuc River to construct a commercial retail facility. Impacts include 850 linear feet within the banks of Dell's Brook and 110 linear feet within the bank of the Ammonoosuc River to complete mitigation activities, and 270 square feet of temporary impact within the bed and banks of Dell's Brook to allow equipment access. Provide compensatory mitigation for wetland and floodplain impacts by creating 5.03 acres (219,000 square feet) of palustrine forested/scrub-shrub/emergent wetlands, enhancing .26 acres (11,200 square feet) of palustrine scrub-shrub/emergent wetlands, and by preserving the entire mitigation parcel of 16.31 acres (all within the 100-year floodplain) through the execution of a conservation easement. In addition, the wetland creation areas will provide on-site compensatory flood storage and active floodwater conveyance so that no significant increase in flood elevations will occur within the 100-year floodplain.

With Conditions:

1. All work shall be in accordance with revised plans by Provan & Lorber, Inc. dated April 2004, as received by the Department on April 12, 2004.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed for each appropriate lot in this development shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. This permit is contingent on approval by the DES Site Specific Program.
6. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.

7. The applicant shall notify the Wetlands Bureau and the Littelton Conservation Commission in writing of their intention to commence construction no less than five (5) business days prior to construction.
8. The permittee shall designate a qualified professional who will have the responsibility to ensure that the project is constructed in accordance with the approved plans, and that monitoring is accomplished in a timely fashion, and remedial measures are taken if necessary. The Wetlands Bureau shall be notified of the designated professional prior to the start of work and if there is a change of status during the project.
9. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
12. Work shall be done during low flow conditions.
13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
14. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
15. Proper headwalls shall be constructed within seven days of culvert installation.
16. Culvert outlets shall be properly rip rapped.
17. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
18. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
19. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
20. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
21. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

#### MITIGATION CONDITIONS:

##### Preservation:

22. This permit is contingent upon the execution of a conservation easement on 16.31 acres of land as depicted on plans received April 12, 2004.
23. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
24. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
25. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
26. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
27. Signs to indicate the location of and restrictions on the area shall be posted every 150 feet along the boundary of the conservation area.
28. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

##### Wetland construction:

29. This permit is contingent upon the creation of 5.03 acres (219,000 square feet) of palustrine forested/scrub-shrub/emergent wetlands and upon the enhancement .26 acres (11,200 square feet) of palustrine scrub-shrub/emergent wetlands in accordance with plans received on April 12, 2004.
30. The schedule for construction of the mitigation area shall coincide with site construction unless otherwise considered and

authorized by the Wetlands Bureau.

31. The mitigation area shall be properly constructed, monitored, and managed in accordance with approved final mitigation plans.
32. Wetland creation/enhancement areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
33. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
34. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each mitigation site.
35. Wetland creation/enhancement areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
36. The permittee shall delineate the wetlands within the mitigation site, document the delineation with data forms, and depict the delineation as an overlay of the final as-built plans after at least five full growing seasons.
37. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.
38. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.

With Findings:

1. The project is classified as a Major Project per NH Administrative Rule Wt 303.02(c), as impacts are greater than 20,000 square feet.
2. The Department held several pre-application meetings with the applicant and their agents on August 15, 2003, September 16, 2003, October 29, 2003, and on December 16, 2003 to provide regulatory guidance of ways to minimize overall impacts. Earlier versions of the proposed development included two restaurants and parking next to the Home Depot, both of which have been removed from the current request.
3. In a letter dated January 22, 2004, the Littleton Conservation Commission stated that they understand the details of the proposed project and accept as is.
4. Wetlands Bureau staff inspected the site on August 18, 2003 and found that the majority of the floodplain was inactive and dry as the Ammonoosuc River appears to have abandoned the floodplain through the development of an incised channel and lateral bank erosion.
5. At its closest point, the proposed commercial development is to be setback 560 feet from the Ammonoosuc River to allow the river to adjust within its known meander wavelength and belt width. This area will then be protected under a conservation easement to ensure that an adequate meander belt width is permanently preserved and the Ammonoosuc River is free to adjust its boundaries.
6. A detailed HEC-RAS hydraulic analysis (based on cross-sectional surveys) comparing existing and proposed conditions of the project site has shown that by lowering the mitigation site to the bankfull elevation, or active floodplain, it would replace flood conveyance areas such that the 10-, 50-, and 100-year flood stages would not increase. Overall, the hydraulic model indicates that only minor changes in flood stage and hydraulic characteristics will occur, and that abutting properties will not be adversely affected. The maximum increase in flood storage was determined to be less than 0.1 feet.
7. DES public hearing is waived with the finding that the project will not significantly impact the resources of the Ammonoosuc River or Dell's Brook and that floodplain conveyance and storage will be created on-site so that no significant increase in flood elevations will occur within the 100-year floodplain.
8. The need for the proposed impacts has been demonstrated by the applicant per Rule Wt 302.01.
9. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Wt 302.03.

10. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-00533                      WOERNER, G W**  
**PORTSMOUTH   Little Harbor**

Requested Action:

Construct a 6 ft x 7 ft pier leading to a 3 ft x 7 ft ramp and an irregularly shaped float measuring 30 square feet, on approximately 115 feet of frontage along the Piscataqua River Back Channel in Portsmouth.

\*\*\*\*\*

Inspection Date: 05/05/2004 by Christina Altimari

APPROVE PERMIT:

Construct a 6 ft x 7 ft pier leading to a 3 ft x 7 ft ramp and an irregularly shaped float measuring 30 square feet, on approximately 115 feet of frontage along the Piscataqua River Back Channel in Portsmouth.

With Conditions:

1. All work shall be in accordance with plans by G.W. Woerner dated March 24, 2004, as received by the Department on March 30, 2004.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon completion.
4. This permit shall not be effective until recorded at the Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
6. The decking of the dock shall have a minimum of 6 ft. clearance from the surface of the mud flat and shall have 3/4-inch spacing between the decking planks and the ramp shall have a minimum of 3 ft. clearance from the surface of the mud flat.
7. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
8. Work shall be done during low tide.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
11. Should the property ownership change, DES shall be notified in order to reissue this permit in the new owner's name.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in tidal waters.
2. Public hearing is waived based on DES staff field inspection on May 5, 2004 with the finding that the project impacts will not significantly impair the resources of this tidal river.
3. The Pease Development Authority - Division of Ports and Harbors has reviewed the plans and determined that the proposed dock does not impede navigation.
4. The proposed dock will be constructed over a large ledge outcrop and will not be in direct contact with any existing marsh grass on the property. Therefore, the dock is proposed for the least impacting location, and represents minimal impact to the tidal waterbody.
5. NH Natural Heritage Inventory (NHNHI) has record of one state threatened plant species within the project area, Marsh Elder (*Iva frutescens*).
6. DES finds that none of the NHNHI identified plant species will be impacted as a result of the proposed dock, as it will be constructed over a ledge outcrop rather than any existing vegetation on the property.
7. This dock is consistent with other tidal dock approvals in the seacoast region.

-Send to Governor and Executive Council-

**2004-00584                      HIPPE, PATRICIA**  
**NEWMARKET   Lamprey River**

Requested Action:

Add a new 8 ft x 16 ft float directly adjacent to an existing 10 ft x 18 ft float, at the base of an existing, previously approved 4 ft x 40 ft pier and 3 ft x 30 ft ramp, on approximately 600 feet of frontage along the Lamprey River in Newmarket.

\*\*\*\*\*

Inspection Date: 05/13/2004 by Christina Altimari

APPROVE PERMIT:

Add a new 8 ft x 16 ft float directly adjacent to an existing 10 ft x 18 ft float, at the base of an existing, previously approved 4 ft x 40 ft pier and 3 ft x 30 ft ramp, on approximately 600 feet of frontage along the Lamprey River in Newmarket.

With Conditions:

1. All work shall be in accordance with plans by Pickering Marine Corporation dated March 26, 2004, as received by the Department on April 7, 2004.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon completion.
4. This permit shall not be effective until recorded at the Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
6. The decking of the dock shall have a minimum of 6 ft. clearance from the surface of the mud flat and shall have 3/4-inch spacing between the decking planks and the ramp shall have a minimum of 3 ft. clearance from the surface of the mud flat.
7. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
8. Work shall be done during low tide.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in tidal waters.
2. Public hearing is waived based on DES staff field inspection on May 13, 2004 with the finding that the project impacts will not significantly impair the resources of this tidal river.
3. This dock structure was originally approved by DES under Wetlands Permit #2001-291.
4. The addition of the new float is needed to better accommodate the needs of the owner, and will not present any additional negative impacts to the environment.
5. The Pease Development Authority - Division of Ports and Harbors has reviewed the plans and determined that the proposed dock does not impede navigation.
6. NH Division of Historical Resources has been contacted in regards to the proposed project.
7. NH Natural Heritage Inventory (NHNHI) has two records of a natural communities of special concern within the project limits, Gulf of Maine Saltmarsh and SNE Coastal Salt Pond Marsh; one state endangered plant species, Large Salt Marsh Aster (*Aster tenuifolius*); and six state threatened plant species, Eastern *Lilaeopsis* (*Lilaeopsis chinensis*), Marsh Elder (*Iva frutescens*), Prolific Knotweed (*Polygonum prolificum*), Salt-Marsh Gerardia (*Agalinis maritima*), Small Spike-Rush (*Eleocharis parvula*), and Stout Bulrush (*Scirpus robustus*).
8. DES finds that none of the NHNHI identified plant species will be impacted as a result of the additional float, as the pier and ramp have already been constructed, and stand at the required height above existing vegetation on the property.
10. This dock is consistent with other tidal dock approvals in the seacoast region.

-Send to Governor and Executive Council-

## MINOR IMPACT PROJECT

\*\*\*\*\*

**1999-01130                      STAM, SUSAN**  
**MOULTONBOROUGH   Lake Winnepesaukee**

### Requested Action:

Amend permit to retain previous pier size and configuration and relocate boatlifts.

\*\*\*\*\*

### APPROVE AMENDMENT:

Install 2 seasonal boatlifts adjacent to a 4 ft 3 in x 24 ft seasonal pier extending from an 8 ft x 8 ft permanent deck, accessed by 8 ft x 8 ft 6 in timber steps on 200 feet of frontage on Long Island, Winnepesaukee.

### With Conditions:

1. All work shall be in accordance with the Existing Seasonal Dock Layout Plan as received by the Department on October 6, 2003.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. This permit does not authorize work on the existing perched beach.
6. Seasonal structures shall be removed from the lake for the non-boating season.
7. No portion of the pier shall extend more than 27 feet from the shoreline at full lake elevation.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

### With Findings:

1. This project is classified as a minor project per Rule Wt 303.03(d), construction of a 3 slip docking facility.
2. The applicant has 200 feet of frontage along Lake Winnepesaukee.
3. A maximum of 3 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
4. The proposed docking facility as configured on the plans will provide 3 slips as defined per RSA 482-A:2, and therefore meets Rule Wt 402.14.

**2001-02185                      DEMERS, DONALD & DARLENE**  
**TUFTONBORO   Lake Winnepesaukee**

### Requested Action:

Dredge and fill 12,000 square feet of palustrine forested wetland for access to a single family residence.

\*\*\*\*\*

### Conservation Commission/Staff Comments:

The Tuftonboro Conservation Commission has submitted letters of concern regarding this project on two occasions.

### DENY PERMIT:

Deny permit request to dredge and fill 12,000 square feet of palustrine forested wetland for access to a single family residence.

With Findings:

Findings of Law:

1. This is a Minor Impact Project per NH Code of Administrative Rule Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f).
2. Approvals must be consistent with the findings of public purpose set forth by RSA 482-A:1.
3. The need for the proposed impacts shall be demonstrated by the applicant prior to department approval of any alteration of nontidal wetlands per Rule Wt 302.01.
4. The applicant must provide evidence which demonstrates that his/her proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Wt 302.03.
5. The applicant must demonstrate by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
6. According to Rule Wt 302.04(d), the department shall not grant a permit if the applicant fails to document that the proposed alternative is the one with the least adverse impact to areas and environments under the department's jurisdiction, or if the applicant proposes unnecessary destruction of wetlands.

Findings of Fact:

7. On November 7, 2002, The Department of Environmental Services Wetland Bureau (The Department) received a permit request to fill 21,100 square feet of palustrine forested wetlands for private access to a single family residence.
8. On November 20, 2001, The Department received a letter from the Tuftonboro Conservation Commission suggesting that the applicant repair the existing ROW or reduce the size of the proposed driveway.
9. On January 14, 2002, The Department conducted a site inspection which found if access rights along Sandy Shore Road existed no permit would be needed.
10. On January 22, 2002, The Town of Tuftonboro supplied the Department with a copy of the deed to tax map 14, lot 3-42, which clearly grants access along a right of way in common with others. (Sandy Shores Road)
11. On March 28, 2004, The Department received correspondence from the Tuftonboro Conservation Commission again stating their concerns with the construction of the requested driveway.
12. On March 31, 2003, The Town of Tuftonboro supplied the Department with a copy of the tax card illustrating that no central heating system in the structure and clarifying it to be seasonal.
13. On April 1, 2003, The Department faxed the agent RSA 485-A:38, and Env-Ws 1004.15, for conversion to full time occupancy.
14. On April 3, 2003, The Department conducted a site inspection, which found although Sandy Shores Road is in disrepair it would be the least impacting alternative to repair this road rather than construct a new single family residential driveway.

Findings in Support of Denial:

15. The applicant failed to provide evidence which demonstrates that his/her proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Wt 302.03.
16. The project is therefore denied per Rule Wt 302.04(d)(1) as there are practical alternatives that would have a less adverse impact on the area under the department's jurisdiction.
17. The project is denied per Rule Wt 302.04(d)(3) as the project causes unnecessary destruction of a forested wetland.
18. The project is denied as the requirements of Wt 302.03 were not met and the applicant failed to document factors as required in Wt 302.04(a).

**2002-00585                      PERRY JR, FRANCIS**  
**BROOKFIELD   Kingswood Lake**

Requested Action:

Retain 500 sqft of wetland fill for culvert placement, permanently remove 196 sqft of constructed patio, install a 4 ft by 24 ft seasonal dock on 68 ft of frontage on Kingswood Lake, Brookfield.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com has concerns about lot development for house.

APPROVE AFTER THE FACT:

Retain 500 sqft of wetland fill for culvert placement, permanently remove 196 sqft of constructed patio, install a 4 ft by 24 ft seasonal dock on 68 ft of frontage on Kingswood Lake, Brookfield.

With Conditions:

1. All work shall be in accordance with plans by Fernstone Associates dated May 1, 2003, as received by the Department on July 11, 2003.
2. The constructed access road to the dam will allow the DES Dam Bureau access to the dam for maintenance and inspection pursuant to Inter-Departmental Communication dated April 23, 2004.
3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
4. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. This shall be the only dock on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
7. Seasonal pier shall be removed from the lake for the non-boating season.
8. No portion of the pier shall extend more than 24 feet from the shoreline at full lake elevation.
9. The seasonal dock shall not be connected to the dam.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The constructed driveway to the frontage will allow the DES Dam Bureau access to the dam for maintenance and inspections.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
6. The driveway impacts are located 12 ft from the abutters property line.

2002-00671

CANN, BRIAN/JOAN

WAKEFIELD Pine River Pond

Requested Action:

Request to retain approximately 20 linear ft of dry-laid stone retaining wall and 12 linear ft of rip-rap on 32 ft of frontage on Pine River Pond in Wakefield.

\*\*\*\*\*

DENY AFTER THE FACT:

Request to retain approximately 20 linear ft of dry-laid stone retaining wall and 12 linear ft of rip-rap on 32 ft of frontage on Pine River Pond in Wakefield.

With Findings:

Standards for Approval

1. This project is classified as a major impact project per Rule Wt 303.02(n), fill in public waters for the purpose of making land.
2. In accordance with Rule Wt 204.06, After-the-Fact Application, those applications received after the work has been completed shall be subject to the same review as given any other application.
3. In accordance with Rule Wt 404.01, Least Intrusive Method, shoreline stabilization shall be by the least intrusive but practical method.
4. In accordance with Rule Wt 404.04, Rip-rap, rip-rap applications shall be considered only where the applicant demonstrates that anticipated turbulence, flows, restricted space, or similar factors render vegetative and diversion methods physically impractical.
5. In accordance with Rule Wt 404.05, Walls, walls shall be permitted only where lack of space or other limitations of the site make alternative stabilization methods impractical.
6. In accordance with Rule Wt 502.01, Additional Data, applications shall include detailed and dimensioned plans which clearly define the project.
7. In accordance with Rule Wt 302.04 (a)(1), Requirements for Application Evaluation, applicants shall demonstrate the need for proposed impacts.
8. In accordance with Rule Wt 302.04(d), Requirements for Application Evaluation, the Department shall not grant a permit if the project will unnecessarily impact jurisdictional areas.

#### Findings of Fact

9. On March 7, 2003 the DES Wetlands Bureau received an after-the-fact application for a retaining wall and rip-rap along the shore of Pine River Pond on property identified as Wakefield tax map 77, lot 63 (the "lot").
10. Photos of the frontage take during a May 6, 2004 field inspection by NHDES staff show that the retaining wall is located below the normal high-water line.
11. Pre-construction photos submitted to the file on November 18, 2002 show the shoreline to be well vegetated and stable.
12. Pre-construction photos submitted to the file on May 21, 2003 also show a stable, vegetated shoreline.
13. No plans or cross sections were submitted with the application.

#### Rulings in Support of the Decision

14. The wall is located lakeward of the normal high-water line and creates land in a public water.
15. The Applicant has failed to submit plans that clearly define the project impacts.
16. The Applicant has failed to submit evidence of an unstable shoreline in need of stabilization as required per Rule Wt 302.04(a)(1).
17. The Applicant has failed to submit evidence that the construction of rip-rap and a retaining wall is the only practical stabilization method for this site as required per Rules Wt 404.01, Wt 404.04 and Wt 404.05.
18. The Applicant has failed to document the need for the impacts, therefore, the project is denied per Rule Wt 302.04(d).
19. The existing rip-rap and retaining wall are an unpermitted impacts subject to corrective actions to be taken by the Compliance Section of the DES Wetlands Bureau.

**2003-02624**                      **MCKAY, THOMAS**  
**GILFORD**   **Lake Winnepesaukee**

#### Requested Action:

Change location of boatlift and canopy and change canopy size to standard size.

\*\*\*\*\*

#### Conservation Commission/Staff Comments:

ConComm signed expedited application.

Amendment will be permitted as proposed if notarized statements from abutters agree with project, otherwise canopy must be constructed as standard size (per CA).

Site inspection on 4/20/04 showed water depth would not be a hardship.

APPROVE AMENDMENT:

Amend permit to read:

Replace two existing ice clusters (six pilings), reduce an existing 6 ft x 31 ft pier to 6 ft x 30 ft and drive 4 pilings to support a boatlift and a 14 ft X 30 ft seasonal canopy adjacent to the southern side of an existing 4 ft x 31.2 ft piling pier and dug-in boat slip on 155 ft of frontage on Governors Island, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans dated April 30, 2004 by Watermark Marine as received by the Department on May 3, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
4. The 6 ft x 31 ft pier shall be reduced to 6 ft x 30 ft prior to the driving of the 4 new pilings.
5. Repair shall maintain existing size, location and configuration.
6. Work authorized shall be carried out to avoid or minimize impacts to spawning and nursery areas during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
9. This permit does not allow for maintenance dredging.
10. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(m), installation of new tie-off piles, and Rule Wt 303.03(d), modification of a docking system that does not meet standard construction criteria described in WT 402.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. A site inspection completed by DES staff on April 8, 2003, found the proposed canopy will not obstruct views of adjacent properties or interfere with boating or swimming safety per Wt 402.08.

**2003-02853**  
**CHESTER**

**GREER, JOANNE**

Requested Action:

Dredge approximately 19,300 square feet in forested and scrub-shrub wetlands and within an intermittent stream to construct an aquaculture pond.

\*\*\*\*\*

Conservation Commission/Staff Comments:

No comments received from the Chester Conservation Commission.

APPROVE PERMIT:

Dredge approximately 19,300 square feet in forested and scrub-shrub wetlands and within an intermittent stream to construct an aquaculture pond.

With Conditions:

1. All work shall be in accordance with the Dugout Pond Design Plans (Sheets 1 & 2 of 2) by the Rockingham County

Conservation District dated August 2003, as received by the Department on December 29, 2003.

2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Work shall be conducted during low flow conditions.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

With Findings:

1. The project is categorized as a Minor Impact Project, per Administrative Rule Wt 303.03(e), as the project involves construction of a pond with less than 20,000 square feet of alteration in wetlands and surface waters.
2. Based on review of information provided in a letter from the Rockingham County Conservation District dated April 26, 2004, the Department finds that it is not practicable to rotate the pond 90 degrees to the east to minimize wetlands impacts.
3. Based on review of the plans submitted in support of the application, and based on review of the above-referenced letter by the Rockingham County Conservation District, the Department finds that the project is located downstream from abutting Lot 54-1 (Chester Tax Map 2) and therefore will not adversely affect the drinking water well located on Lot 54-1.
4. The need for the proposed jurisdictional impacts has been demonstrated by the applicant per Rule Wt 302.01.
5. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

**2004-00198                      NATASHA REALTY TRUST, BOND FLETCHER TTEE**  
**MEREDITH    Lake Winnisquam**

Requested Action:

Repair an existing 4 ft x 24 ft walkway connected to an existing 4 ft x 20 ft pier, in an 'L' shape, in-kind, permanently remove an existing 6 ft x 42 ft dock and replace with (2) 6 ft x 40 ft seasonal docks connected by a 6 ft x 12 ft seasonal walkway in a 'U' shape, and install a 10 ft x 10 ft seasonal boatlift on an average of 930 ft of frontage on Loon Island, Lake Winnisquam.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con. Com. requested site inspection.

APPROVE PERMIT:

Repair an existing 4 ft x 24 ft walkway connected to an existing 4 ft x 20 ft pier, in an 'L' shape, in-kind, permanently remove an existing 6 ft x 42 ft dock and replace with (2) 6 ft x 40 ft seasonal docks connected by a 6 ft x 12 ft seasonal walkway in a 'U' shape, and install a 10 ft x 10 ft seasonal boatlift on an average of 930 ft of frontage on Loon Island, Lake Winnisquam.

With Conditions:

1. All work shall be in accordance with plans by Robert Coppo dated January 29, 2004, as received by the Department on February 5, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the

registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Repair shall maintain existing size, location and configuration.
6. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Seasonal piers and boatlifts shall be removed for the non-boating season.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(a), construction of (2) seasonal docks, and repair of an existing dock for a total of 4 boatslips.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on May 11, 2004.

**2004-00330                      PALARDY, GARY & KENNETH GERARD**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:

Excavate 441 sq ft of bank to construct an 18 ft x 18 ft perched beach, utilizing 20 cu yd of sand, surrounded by 56 linear ft of stone wall, with steps accessing the beach and the water, dredge 0.4 cu yd of material from 8 sq ft of lakebed for access, and install a 6 ft x 40 ft seasonal dock on an average of 172 ft of frontage on Greens Basin, Lake Winnepesaukee.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con. Com. had no objections to project.

Project is a loon hit, and shall be conditioned accordingly.

APPROVE PERMIT:

Excavate 441 sq ft of bank to construct an 18 ft x 18 ft perched beach, utilizing 20 cu yd of sand, surrounded by 56 linear ft of stone wall, with steps accessing the beach and the water, dredge 0.4 cu yd of material from 8 sq ft of lakebed for access, and install a 6 ft x 40 ft seasonal dock on an average of 172 ft of frontage on Greens Basin, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated January 15, 2004, revised on May 7, 2004, as received by the Department on May 11, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will

require a new application and approval by the Bureau.

5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. No work shall take place during the critical loon nesting period between May 15 thru July 15.
7. Sails shall remain furlled until outside of the no-wake zone.
8. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
10. This shall be the only structure on this water frontage, limited to a total of 2 boat slips, and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
11. The seasonal pier shall be removed from the lake for the non-boating season.
12. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
13. Future dredging of the slips or approach to the approved pier is prohibited.
14. Material excavated during the beach construction shall be placed outside of the DES Wetlands Bureau jurisdiction.
15. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
16. The steps installed for access to the water shall be located completely landward of the normal high water line.
17. No more than 20 cu. yd of sand may be used and all sand shall be located above the normal high water line.
18. This permit shall be used only once, and does not allow for annual beach replenishment.
19. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
20. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
21. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(k), project has documented occurrences of state or federally listed Endangered or Threatened species.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. This project is located within an area that is utilized by nesting and brooding Common Loons.
6. NH DES and NH Fish and Game staff conducted a field inspection of the proposed project on April 6, 2004 and on May 5, 2004.
7. The conditions imposed on the permit have been reviewed and approved by the Department of Fish and Game, pursuant to RSA 212-A:5 IV, and have been crafted to avoid adverse impacts to Common Loons in this area.
8. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this lacustrine system.

-Send to Governor and Executive Council-

MINIMUM IMPACT PROJECT

\*\*\*\*\*

**2004-00499 NEUBAUER, RORY & DONNA**  
**SALEM Arlington Mill Reservoir**

Requested Action:

Repair 147 linear ft retaining wall in-kind on an average of 160 ft of frontage on Arlington Mill Reservoir, Salem.

\*\*\*\*\*

Conservation Commission/Staff Comments:  
Con. Com. recommended approval of project.

**APPROVE PERMIT:**

Repair 147 linear ft retaining wall in-kind on an average of 160 ft of frontage on Arlington Mill Reservoir, Salem.

**With Conditions:**

1. All work shall be in accordance with plans dated March 15, 2004, as received by the Department on March 26, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. All removed material and construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau prior to new construction.
6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. Repair shall maintain existing size, location and configuration.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
10. Work shall be done during drawdown.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

**With Findings:**

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

**2004-00642                      BEDFORD THREE CORNERS**  
**BEDFORD   Unnamed Wetland**

**Requested Action:**

Dredge and fill a total of 2,930 sq. ft. of palustrine wetlands to construct two driveway crossings: 2,870 sq. ft. with 4' x 3' box culvert; and 60 sq. ft., respectively on two lots in a five-lot subdivision on 19.27 acres.

\*\*\*\*\*

Conservation Commission/Staff Comments:  
Con. Com. recommended approval. Conditions requested by Con. Com. have been incorporated into permit plans and or conditions.

**APPROVE PERMIT:**

Dredge and fill a total of 2,930 sq. ft. of palustrine wetlands to construct two driveway crossings: 2,870 sq. ft. with 4' x 3' box culvert; and 60 sq. ft., respectively on two lots in a five-lot subdivision on 19.27 acres.

**With Conditions:**

1. All work shall be in accordance with plans by True Engineering Inc. dated March 16, 2004, revised May 3, 2004 as received by the Department on May 7, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.

3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. Proper headwalls shall be constructed within seven days of culvert installation.
5. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
6. The language of the deed for each applicable lot shall reflect a non-disturbance area associated with the 50' setback from wetlands, and the edge of wetlands shall be identified as such in the field for homeowner's reference.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Work shall be done during low flow.
9. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
9. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #8 of this approval.

## FORESTRY NOTIFICATION

\*\*\*\*\*

**2004-00803                      DASHNER, JASON & GINA**  
**NEWPORT   Unnamed Stream**

COMPLETE NOTIFICATION:  
Newport Tax Map 50, Lot# 1939-6

**2004-00804                      PETER & GARY LLC**  
**ANDOVER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Andover Tx Map 24, Lot# 643.344

**2004-00809                      S&M FOREST TRUST, C/O KATHY BOHRSON**  
**DUNBARTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Dunbarton Tax Map F6, Lot# 1

**2004-00810                      BARON TRUST, JOHN ROBERTS TTEE**  
**EASTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Easton Tax Map 1, Lot# 28

**2004-00824                      FISHER, WILLIAM & CYNTHIA**  
**BRIDGEWATER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Bridgewater Tax Map 204, Lot# 1

**2004-00826                      SWINDLEHURST, JOHN**  
**DUNBARTON   Unnamed Stream**

COMPLETE NOTIFICATION:

Dunbarton Tax Map C3, Lot# 5 & 8  
C4, Lot# 02-16 & 02-17

**EXPEDITED MINIMUM**

\*\*\*\*\*

**2003-00529                      LITTLE, NICOLE & VICTORIA GRANDE**  
**DERRY   Unnamed Wetland**

Requested Action:

Approve name change to: Thomas E Eftim, PO Box 6801, Hampton, NH 03843 per request received 5/11/04.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Derry Conservation Commission signed this Minimum Impact Expedited Permit application.

APPROVE NAME CHANGE:

Fill 1,716 square feet of palustrine emergent wetlands to construct a driveway for access to a single family building lot part of a 3-lot subdivision.

With Conditions:

1. All work shall be in accordance with plans by Bedford Design Consultants dated January 21, 2003, as received by the Department on March 27, 2003 and the Construction Sequence by Schauer Environmental Consultants, L.L.C. as received by the Department on March 27, 2003.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. Work shall be done during low flow.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

**2004-00310                      SPRINGHEAD REALTY TRUST, ERIC JOSTROM TTEE**  
**SUGAR HILL   Unnamed Pond**

Requested Action:

Dredge 8,930 square feet of emergent wetland to construct an agricultural pond with 1,025 square feet of temporary impacts associated with the installation of a dry hydrant for fire protection.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Sugar Hill Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Dredge 8,930 square feet of emergent wetland to construct an agricultural pond with 1,025 square feet of temporary impacts associated with the installation of a dry hydrant for fire protection.

With Conditions:

1. All work shall be in accordance with plans by Provan & Lorber, Inc. dated December 2003, as received by the Department on February 27, 2004.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Work shall be done during low flow.
4. No fill shall be done for lot development.
5. Dredged material shall temporarily stockpiled in uplands.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(p), construction of a pond with less than 20,000 square feet of wetlands impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-00603                      DEBENEDETTO, JANET**  
**DERRY    Unnamed Stream**

Requested Action:

Dredge and fill approximately 200 square feet of perennial stream to upgrade a failing 18-inch diameter culvert with a 24-inch by 35-foot culvert associated with town road improvements.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Derry Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Dredge and fill approximately 200 square feet of perennial stream to upgrade a failing 18-inch diameter culvert with a 24-inch by 35-foot culvert associated with town road improvements.

With Conditions:

1. All work shall be in accordance with plans by the Town of Derry Department of Public Works dated February 27, 2004, as received by the Department on April 9, 2004.
2. Work shall be done during low flow conditions.
4. Prior to commencing work on a substructure located within surface waters, a temporary cofferdam shall be constructed to isolate

the substructure work area from the surface waters. 5. Temporary cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a temporary cofferdam is fully effective, confined work can proceed without restriction.

6. Temporary cofferdams shall be entirely removed immediately following construction.

7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

10. Proper headwalls shall be constructed within seven days of culvert installation.

11. Culvert outlets shall be properly rip rapped.

12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

14. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional wetland.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

**2004-00639 JACKSON, NANCY**  
**NEW CASTLE Piscataqua River**

Requested Action:

Impact 1,253 square feet of developed upland tidal buffer zone for the construction of additions on the existing house and porch, the construction of a 7 ft x 16 ft deck and a 102 sq ft circular stone patio with an associated sitting wall, the relocation of an existing 8 ft x 13 ft outhouse, and the reconstruction of 516 sq ft of existing stone walls and steps on the property, inclusive of the concrete retaining wall that runs along the northern property line.

\*\*\*\*\*

APPROVE PERMIT:

Impact 1,253 square feet of developed upland tidal buffer zone for the construction of additions on the existing house and porch, the construction of a 7 ft x 16 ft deck and a 102 sq ft circular stone patio with an associated sitting wall, the relocation of an existing 8 ft x 13 ft outhouse, and the reconstruction of 516 sq ft of existing stone walls and steps on the property, inclusive of the concrete retaining wall that runs along the northern property line.

With Conditions:

1. All work shall be in accordance with plans by Holzaepfel Design dated March 30, 2004, with revisions dated April 2, 2004, as received by the Department on April 15, 2004.

2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

3. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.

4. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and

when considered with the original application are not classified as minor or major.

5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on other areas within the jurisdiction of DES.

6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

7. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(b), projects in previously developed upland areas within 100 feet of the highest observable tide line.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has obtained written approvals from each of the abutters whose property lines exist within 20 feet of the proposed work.

**2004-00728                      CARPENTER, ROBERT**  
**ALTON BAY   Lake Winnepesaukee**

Requested Action:

Replenish sand on an existing 20 ft x 60 ft beach on a property having an average of 300 ft. of frontage on Lake Winnepesaukee.

\*\*\*\*\*

Conservation Commission/Staff Comments:

ConComm signed.

APPROVE PERMIT:

Replenish sand on an existing 20 ft x 60 ft beach on a property having an average of 300 ft. of frontage on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Carle Facciolo dated 4/9/04, as received by the Department on April 27, 2004.

2. No more than 10 cu yds of sand may be used and all sand shall be located above the normal high water line.

3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.

4. This permit shall be used only once, and does not allow for annual beach replenishment.

5. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.

6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(d), beach replenishment.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-00732                      DEFORREST, EDWARD**  
**GILFORD   Lake Winnepesaukee**

Requested Action:

Repair a 63 ft breakwater with 26 ft gap at the shoreline, a 4 ft x 40 ft cantilevered pier, a 6 ft x 36 ft piling pier, 2 ft x 30 ft piling

pier and a 4 ft x 30 ft wharf in an "E" configuration on Lake Winnepesaukee on 180 feet of shoreline frontage.

\*\*\*\*\*

Conservation Commission/Staff Comments:  
ConComm signed.

**APPROVE PERMIT:**

Repair a 63 ft breakwater with 26 ft gap at the shoreline, a 4 ft x 40 ft cantilevered pier, a 6 ft x 36 ft piling pier, 2 ft x 30 ft piling pier and a 4 ft x 30 ft wharf in an "E" configuration on Lake Winnepesaukee on 180 feet of shoreline frontage.

**With Conditions:**

1. All work shall be in accordance with plans received by the Department on April 24, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
4. Existing rocks which have fallen shall be used for repair.
5. This permit does not allow for maintenance dredging.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
8. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
9. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if it later determines that any "existing structures" were not previously permitted or grandfathered in their current configuration.
10. Repairs shall maintain existing size, location and configuration.
11. All construction related material and debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

**With Findings:**

1. This is a minimum impact project per Administrative Rule Wt 303.04(v), maintenance, repair, and replacement "in-kind" of existing docking structures.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-00749                      LEWIS, WILLIAM**  
**LYME   Connecticut River**

**Requested Action:**

Install a 6 ft x 4 ft platform, a 6 ft x 10 ft ramp, and a 6 ft x 24 ft seasonal floating pier made of three 6 ft x 8 ft sections on a property with 520 ft of shoreline frontage on the Connecticut River.

\*\*\*\*\*

Conservation Commission/Staff Comments:  
ConComm signed. Designated river.

**APPROVE PERMIT:**

Install a 6 ft x 4 ft platform, a 6 ft x 10 ft ramp, and a 6 ft x 24 ft seasonal floating pier made of three 6 ft x 8 ft sections on a property with 520 ft of shoreline frontage on the Connecticut River.

**With Conditions:**

1. All work shall be in accordance with plans as received by the Department on April 26, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal pier shall be removed from the river for the non-boating season.
5. No portion of the pier shall extend more than 14 feet from the shoreline at the normal high water mark.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

**With Findings:**

1. This is a minimum impact project per Administrative Rule Wt 303.04(a), construction of a seasonal pier.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**AGRICULTURE MINIMUM**

\*\*\*\*\*

**2004-00439                      FORRESTALL-GARP, KATHYANNE**  
**LOUDON   Unnamed Stream**

**Requested Action:**

Dredge and fill a total of 3600 square feet of wet meadow for the installation of two culverts for access to agricultural fields.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

The conservation commission did not comment on this application.

**APPROVE PERMIT:**

Dredge and fill a total of 3600 square feet of wet meadow for the installation of two culverts for access to agricultural fields.

**With Conditions:**

1. All work shall be in accordance with plans by US Department of Agriculture Soil Conservation Service dated February 5, 2004, as received by the Department on March 19, 2004.
2. All work shall adhere to the standards of the "Best Management Wetlands Practices for Agriculture," NH Dept. of Agriculture, dated July 16, 1993, amended September 1998.
3. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any change in use to a non-agricultural purpose will require further permitting by the DES Wetlands Bureau.
5. This permit shall be recorded with the county Registry of Deeds office by the permittee.
6. Work shall be conducted in the dry.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.

9. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(u), maintenance or improvement of existing crop or pasture land for continued agricultural use.

## GOLD DREDGE

\*\*\*\*\*

**2004-00838                      RICHARDSON, STEVEN**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:  
Bath ConCom

**2004-00839                      RICHARDSON, ROBERT**  
**(ALL TOWNS)   Unnamed Stream**

**2004-00892                      PETELLE, DAVID**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:  
Bath ConCom

## LAKES-SEASONAL DOCK NOTIF

\*\*\*\*\*

**2004-00840                      CATES, THOMAS**  
**HEBRON   Newfound Lake**

COMPLETE NOTIFICATION:  
Hebron Tax Map 6, Lot# 3 Newfound Lake

**2004-00841                      EDMUNDS, CRAIG**  
**NORTHWOOD   Pleasant Lake**

COMPLETE NOTIFICATION:  
Northwood Tax map 114, Lot# 2 Pleasant Lake

**2004-00876                      NICHOLSON, JOHN & JOLINE**  
**FREEDOM   Danforth Bay**

COMPLETE NOTIFICATION:

Freedom Tax Map 32, Lot# 13 Danforth Bay

**2004-00877                      CLARK, MICHAEL & LEONA**  
**OSSIPEE   Ossipee Lake**

COMPLETE NOTIFICATION:

Ossipee Tax Map 51, Lot# 13 Ossipee Lake

**2004-00886                      GRAHAM, DANA & SUSANN**  
**WAKEFIELD   Balch Lake**

COMPLETE NOTIFICATION:

Wakefield Tax Map 42, Lot# 83G Balch Lake

**2004-00887                      THIBEAULT, STEVEN & NATALIE PIASECZNY**  
**ALTON   Hills Pond**

With Conditions:

Alton Tax Map 10, Lot# 32-16 Hills Pond

**SHORELAND VARIANCE / WAIV**

\*\*\*\*\*

**2004-00355                      OSBORN, DANIEL**  
**HAMPSTEAD   Big Island Pond**

Requested Action:

Retain an expansion to a nonconforming dwelling on Rock Island in Big Island Pond, Atkinson.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con. Com. recommends denial.

APPROVE CSPA WAIVER:

Retain an expansion to a nonconforming dwelling on Rock Island in Big Island Pond, Atkinson.

With Conditions:

1. No accessory structures of any kind shall be constructed until a new upgraded septic system has been approved by the State and installed in accordance with the CSPA.
2. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
3. All work shall be conducted in accordance with plans dated September 14, 2003 as received by DES on September 29, 2003.
4. This approval shall not be effective until it has been recorded at the Strafford County Registry of Deeds.
5. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing dwelling is located within the 50 ft setback to Big Island Pond and therefore fails to conform to the minimum standard set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, I, nonconforming structures may be repaired, renovated, or replaced in kind provided the result is a functionally equivalent use. Such repair or replacement may alter the interior design or existing foundation, but no expansion of the existing footprint or outside dimensions shall be permitted.
3. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
4. The applicant has proposed to prohibit, by deed restriction, all future additions and accessory structures unless and until a new upgraded septic system has been approved by the State and installed in accordance with the CSPA. Accessory structures shall include, but not be limited to, gazebos, sheds, patios, additional decks, and boathouses. An upgraded septic system will bring the structure into greater conformity as it will improve wastewater treatment and therefore meets the criteria of 'more nearly conforming' for the issuance of a waiver per RSA 483-B:11, II.

**2004-00410                      BEKEMEYER, LEE**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Upgrade an existing septic system on a nonconforming lot in Alton, on Lake Winnepesaukee.

\*\*\*\*\*

APPROVE CSPA VARIANCE:

Upgrade an existing septic system on a nonconforming lot in Alton, on Lake Winnepesaukee.

With Conditions:

1. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
2. All work shall be conducted in accordance with plans dated February 25, 2004 as received by DES on March 15, 2004.
3. This approval shall not be effective until it has been recorded at the Belknap County Registry of Deeds office by the Permittee. A copy of the registered approval shall be submitted to the DES Wetlands Bureau prior to construction.
4. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The denial of the variance to upgrade the septic system would result in an unnecessary hardship.
2. The septic upgrade will result in no diminution in value of the property.
3. The upgraded septic system will make the existing site more conforming to the spirit of the ordinance.
4. Granting the variance will benefit the public interest as the existing septic system is outdated and a potential health hazard.
5. Granting the variance will do substantial justice in improving the standards under the ordinance.

**ROADWAY MAINTENANCE NOTIF**

\*\*\*\*\*

**2004-00855                      LISBON, TOWN OF**  
**LISBON   Unnamed Stream**

**PERMIT BY NOTIFICATION**

\*\*\*\*\*

**2004-00485                      DEVOE, FRED & SHIRLEY SARGENT**  
**STRAFFORD   Unnamed Wetland**

Requested Action:

PBN#1, Dredge and fill 1,550 square feet of forested wetland for installation of a culvert to access a single family residential lot.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Strafford Conservation Commission did not sign the PBN form.

PBN IS COMPLETE:

PBN#1, Dredge and fill 1,550 square feet of forested wetland for installation of a culvert to access a single family residential lot.

**2004-00517                      KINNEY BROTHERS REALTY TRUST**  
**BROOKLINE   Unnamed Wetland**

Requested Action:

PBN#1, Dredge and fill 682 square feet of forested wetland to install a 12-inch by 26 foot culvert for access to a single family residential lot on Tax Map/Lot number F/20-2 on 5.851 acres.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Brookline Conservation Commission signed the PBN form.

PBN IS COMPLETE:

PBN#1, Dredge and fill 682 square feet of forested wetland to install a 12-inch by 26 foot culvert for access to a single family residential lot on Tax Map/Lot number F/20-2 on 5.851 acres.

**2004-00591                      AHO, ANDRE**  
**RINDGE   Unnamed Wetland**

Requested Action:

PBN#1, Dredge and fill 1000 sq. ft. of forested wetland to provide access to a single family residential lot on 23 acres.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Rindge Conservation Commission did not sign the PBN form.

PBN IS COMPLETE:

PBN#1, Dredge and fill 1000 sq. ft. of forested wetland to provide access to a single family residential lot on 23 acres.

**2004-00722                      ROUND, JAMES**  
**ALTON   Lake Winnepesaukee**

Conservation Commission/Staff Comments:

Alton Conservation Commission did not sign the PBN form.

**2004-00775                      NH FISH & GAME DEPARTMENT**  
**PETERBOROUGH   Casalis Pond**

Requested Action:

PBN#3, Maintenance dredge drainage ditch impacting 132 sq ft of jurisdictional wetland.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Peterborough Conservation Commission signed the PBN form.

PBN IS COMPLETE:

PBN#3, Maintenance dredge drainage ditch impacting 132 sq ft of jurisdictional wetland.

**2004-00829                      BOURQUE, DENNIS**  
**GILFORD   Lake Winnepesaukee**

Requested Action:

PBN#11, Repair of existing docking facilities in kind.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Gilford Conservation Commission signed the PBN form.

PBN IS COMPLETE:

PBN#11, Repair of existing docking facilities in kind.

**2004-00830                      HAMMOND, LYMAN**  
**RAYMOND   Lamprey River**

Requested Action:

PBN#14, Dredge and fill 84 square feet of emergent wetland to install a dry hydrant for fire protection.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Raymond Conservation Commission signed the PBN form.

PBN IS COMPLETE:

PBN#14, Dredge and fill 84 square feet of emergent wetland to install a dry hydrant for fire protection.

**2004-00831                      AGGREGATE INDUSTRIES**  
**RAYMOND   Unnamed Pond**

Requested Action:

PBN#14, Dredge and fill 28 square feet of emergent wetland to install a dry hydrant for fire protection.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Raymond Conservation Commission signed the PBN form.

PBN IS COMPLETE:

PBN#14, Dredge and fill 28 square feet of emergent wetland to install a dry hydrant for fire protection.

**2004-00832                      RAYMOND, TOWN OF**  
**RAYMOND   Unnamed Pond**

Requested Action:

PBN#14, Dredge and fill 36 square feet of emergent wetland to install a dry hydrant for fire protection.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Raymond Conservation Commission signed the PBN form.

PBN IS COMPLETE:

PBN#14, Dredge and fill 36 square feet of emergent wetland to install a dry hydrant for fire protection.

**2004-00836                      LAKESHORE BEACH ASSOCIATION, WILLIAM BODWELL**  
**MEREDITH   Lake Winnepesaukee**

Requested Action:

PBN#9, Installation of a seasonal boat lift.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Meredith Conservation Commission signed the PBN form.

PBN IS COMPLETE:

PBN#9, Installation of a seasonal boat lift.

**2004-00837                      SMITH, JIBRAN**  
**BARRINGTON   Unnamed Wetland**

Requested Action:

PBN#1, Dredge and fill 790 square feet of forested wetland to install a 15-inch by 20 foot culvert to provide access to a single family residential lot.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Barrington Conservation Commission signed the PBN form.

PBN IS COMPLETE:

PBN#1, Dredge and fill 790 square feet of forested wetland to install a 15-inch by 20 foot culvert to provide access to a single family residential lot.